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### REMARKS

In order to promote administrative efficiency and better communication, the Examiner is invited to make suggestions at any time during the proceedings, via phone, fax or e-mail, whenever such suggestions are within the Examiner's discretion as an aid to placing the claims in order for allowance in a timely manner.

#### Change of Correspondence Address:

Applicant requests that the Examiner immediately change the correspondence address in this case to the following:

John Moetteli  
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Email: Moetteli@patentinfo.net

The Undersigned thanks the Examiner in advance for promptly noting this change.

#### Examiner's Point 4: Priority

Applicant has complied with the Examiner's request to provide the current status of all non-provisional applications referenced at the beginning of the specification. Specifically, the first paragraph of the specification has been amended

to indicate that the US Patent Application Serial No. 09/860,918, filed May 18, 2001 and entitled, "Stress-Induced Connecting Assembly", has now issued as US Patent No. 6,513,814.

Examiner's Point 5. The Drawings:

The Examiner rejected the drawings for improper cross hatch patterns (Fig. 3), and scale being too small. Applicant attaches corrected drawing sheets appropriately marked as "Replacement Sheets".

Examiner's Point 6: Specification:

The Examiner objected to the detailed description for failing to provide proper antecedent basis for the limitation, "an alloy selected from a group of alloys consisting of super-elastic, bimetal alloys and super-elastic, tri metal allows" in claim 18, lines 3 & 4. In response thereto, Applicant has inserted matter incorporated by reference into the background section of the specification. Therefore, no new matter is entered thereby. Acknowledgement of this fact is respectfully requested.

Examiner's Point 7: Rejection under 112, first paragraph:

Concerning the Examiner's rejection of claims 18-27 under 112, as failing to comply with the written description requirement because of the addition of the term "substantially" in line 3 of claim 18. Applicant traverses this rejection, which Applicant believes must result from a misunderstanding. As the Examiner can appreciate, a description merely showing a device made completely of a certain alloy, certainly teaches a device being made substantially of that alloy. *O'Reilly v. Morse*, 56 US 62. However, in an effort to be a bit clearer, Applicant has amended claim 18 to recite that the shaft member is at least substantially made of the particular alloy. As clearly stated in the Applicant's disclosure as filed, although the invention has been

described with reference to preferred embodiments thereof, it is evident to those of skill in the art that various modifications may be made without departing from the spirit and scope of the invention as defined by the appended claims. "Substantially" is a term therefore that sums up this permissible expansion of the scope of the claims. If the Examiner feels, however, that "at least substantially" is less to his liking than "substantially", Applicant grants the Examiner leave to amend the claim to remove the added "at least" language.

Examiner's Point 8: Rejection under §112, Second Paragraph:

The Examiner rejected claims 18-27 under 35 USC 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Regarding Examiner's subpoint "a", Applicant has amended claim 18 to make clear that nickel-titanium alloys should be considered as being included in the groups of bi- and tri-metal alloys. Obviously, nickel-titanium indicates the characteristic constituents of the alloy and does not exclude the presence of a third metal, which in practice would unavoidably be present to varying degrees. Regarding the Examiner's subpoint "b", Applicant has added the word "the" to clarify that the super-elastic alloy is indeed that selected from the group consisting of super-elastic .... alloys. It is believed therefore that the rejections under §112 are overcome. Acknowledgment of this fact is respectfully requested. Regarding the Examiner's subpoint "c", it is believed that the claim as written is clear. All of the previously recited members, the collar member, the shaft member and the sleeve member as secured in a fixed relative position. Regarding the Examiner's subpoint "d", Applicant thanks the Examiner for his correctly noting that the shaft need not be tubular. The claim has been so amended.

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Point 9: Conclusion

Applicant has made a diligent effort to advance the prosecution of this application by amending claims, and by pointing out herein with particularity how the claims now presented are patentably distinct from the prior art of record. Therefore, Applicant respectfully submits that the claims, as amended, are now in condition for allowance. No new matter has been entered by this amendment. Any limitations to the claims are made solely for the purpose of expediting the prosecution of the application and, unless otherwise expressly stated, are not made to narrow, vis-à-vis the prior art, the scope of protection which any subsequently issuing patent might afford. Again, if the Examiner has further questions, he is invited to contact the undersigned at phone 011-4171-230-1000, fax at 011-4171-230-1001 (Switzerland is 6 hours ahead of Eastern Std Time), or e-mail at [moetteli@patentinfo.net](mailto:moetteli@patentinfo.net).

Applicant petitions the Commissioner for an Extension of Time under 37 CFR §1.136 for ONE month or any other period that may be required in this application and the Undersigned authorizes the Commissioner to charge any fee or credit any overpayment of any fee under 37 CFR §1.16 and §1.17 which may be required in this application to the deposit account of MOETTELI & Associates SaRL, no. 50-2621.

Respectfully submitted,



John MOETTELI  
U.S. Reg. No. 35,289

Date : Sept 27, 2005

Enclosures: Replacement Drawing sheets